

Remarks

Claims 1 And 4-9, As Amended, Are Patentable Over A Combination Of U.S. Patent No. 4,638,793 Of Therkorn And U.S. Patent No. 6,645,130 of Webber.

Claims 1 and 4-9 have been rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 4,638,793 of Therkorn in view of U.S. Patent No. 6,645,130 of Webber.

The Therkorn patent describes a traction table which includes three carriages (34, 44 and 36) that are mounted so as to slide along the frame of support table 14 independently of each other. A single body-support section is attached to each carriage. Thus, calf support 30 is attached to slide carriage 34 and back rest 32 is attached to slide carriage 36. Slide carriage 44, which "serves as support surface for the seat region" (as shown in Figure 2), is located between slide carriage 34 and slide carriage 36 and is adapted to be fixed with respect to support table 14 at any of three positions indicated by pin holes 48. In order to use the Therkorn table, a patient is placed on slide carriage 44 and slide carriage 44 is moved to one of the predetermined three positions, where it is fixed into position on the support table by inserting a pin in the appropriate pin hole. Carriage 32 is then moved to support the patient's back as shown in Figure 1 and carriage 34 is moved to support his calves. The feet of the patient are then attached to the calf support board on carriage 34 and the support table is rotated as shown in Figure 1 so that the patient's head is in a downward position. The relative positions of carriage 32 and carriage 34 on the support table can then be adjusted independently of each other (and independently of carriage 44) to provide traction forces without imposing unnecessary stresses on the patient's neck.

The Webber patent describes a foldable exercise bench in two embodiments, each of which includes a four-bar linkage that allows the bench to be moved between a deployed position and a storage position. In a first embodiment (shown in Figures 1-12), the bench includes carriage 46, seat pad 52 and back pad 54. The carriage is mounted so as to slide along support bar 30, and it may be secured in one of a plurality of selected positions 50 along the support bar by pin 48. The seat pad and back pad in this embodiment are "separately pivoted" on the carriage "and can rotate independently from one another." (see column 5, lines 56-57). A pair of uprights 18 are provided on opposite sides of the bench to support a free weight. A cross member 28 is provided for placement at one of three positions between uprights 18 to support the free end of back pad 54. Support bar 30 is pivotally attached to frame 12, as is secondary link 32. Support foot 36 is pivotally attached to support bar 30 and to secondary link 32. This arrangement creates a four-bar linkage that permits the bench to be folded between the deployed position of Figures 1-3 and the storage position of Figure 6. In the second embodiment, "the seat pad and back pad are not separately pivoted to a moving carriage" (see column 8, lines 53-54). Instead, seat pad 102 is mounted to one end of support tube 100 and back pad 104 is pivotally connected to the seat pad. Carriage 108 is adapted to slide along the support tube and link 110 is pivotally attached between back pad 104 and carriage 108. Support tube 100 is pivoted to upright strut 94 at one end and to support foot 118 at the other end. Link 124 is pivotally attached at one end to upright strut 94 and at the other end to support foot 118. Upright strut, bench support tube 100, support foot 118 and link 124 form a four-bar linkage that permits the bench assembly to fold between the deployed position of Figures 13 and 14 to the storage position of Figure 17.

The Office Action states that "[i]t would have been obvious to one having ordinary skill in the art

at the time the invention was made to separate a body support into multiple sections from one integral section in order to accommodate a variety of different sized users." Applicant interprets this to mean that the Examiner is suggesting that the Webber reference teaches that one of the body supports of the Therkorn reference could be modified to comprise a pair of sections that are pivotally attached to each other. Without commenting on whether such a modification would allow the Therkorn device to accomplish its intended purpose, Applicant points out that even if such a modification were made, the resulting device would not include a carriage that is mounted for sliding movement along at least a portion of a support frame, which carriage included three components, namely (1) a lower section that is adapted to support at least a portion of the hips and legs of a patient; (2) an upper body-support section that is pivotally attached to the lower section and adapted to support the back of the patient; and (3) a tilt mechanism that is adapted to pivot the upper section of the carriage with respect to the lower section, as required by Applicant's claims 1-9, as amended. Furthermore, nothing in the Therkorn reference or the Webber reference, or in any combination of such references discloses, suggests or renders obvious such a combination. Consequently, Applicant requests that this rejection of his claims 1 and 4-9 be withdrawn, and that claims 1 and 4-9, as amended, be allowed.

Applicant respectfully submits that all of his claims, as now presented, are patentable over the cited references. Applicant requests, therefore, that the §103(a) rejection of claims 1 and 4-9 be withdrawn, and that claims 1-9, as amended, be allowed in addition to the previously allowed claims 10-20. If the Examiner has any questions about this Response, she is invited to call Applicant's attorney at the telephone number set out below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "David J. Hill".

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